

Message Text

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46

ACTION ARA-10

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FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC 5522

INFO AMCONSUL RIO DE JANEIRO

AMCONSUL SAO PAULO

C O N F I D E N T I A L BRASILIA 4059

E.O. 11652: GDS

TAGS: PINT SHUM BR

SUBJECT: HUMAN RIGHTS: DEATH OF ZUZU ANGEL STIRS RUMORS; HERZOG FAMILY SUES GOVERNMENT; FIEL FILHO CASE SHELVED

REFS: (A) BRASILIA 2367 (B) RIO MEMCONS OF 4/26/76 AND 5/4/76

(C) 75 BRASILIA 10927 (D) 75 BRASILIA 9457 (E) BRASILIA 536

SUMMARY: DEATH OF MOTHER OF STUART ANGEL JONES, APPARENTLY BY ACCIDENT WHILE DRIVING ALONE, HAS GIVEN RISE TO RUMORS OF FOUL PLAY BY SECURITY FORCES. FAMILY OF VLADIMIR HERZOG HAS SUED GOVERNMENT FOR DAMAGES BECAUSE OF HIS DEATH IN ARMY CUSTODY IN SAO PAULO. MILITARY COURT HAS FOUND IN FAVOR OF MILITARY PROSECUTOR'S OPINION THAT MANUEL FIEL FILHO, SECOND POLITICAL PRISONER TO DIE IN ARMY CUSTODY IN SAO PAULO, COMMITTED SUICIDE. END SUMMARY.

1. THE DEATH OF ZUZU ANGEL (MOTHER OF PRESUMED ATROCITY VICTIM STUART ANGEL JONES) WHICH OCCURRED APRIL 14 WHEN THE AUTOMOBILE SHE WAS DRIVING ALONE LEFT THE ROAD AFTER EMERGING FROM A TUNNEL IN RIO, WAS AMPLY REPORTED IN THE PRESS; ALL ACCOUNTS NOTED HER INTERNATIONAL REPUTATION AS A DRESS DESIGNER, WHILE ONLY SOME REFERRED TO HER EFFORTS REGARDING WHAT WAS VARIOUSLY CALLED THE DEATH OR DISAPPEARANCE

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OF HER SON. THE NEWSWEEKLY MAGAZINE VEJA'S ACCOUNT WAS

CENSORED COMPLETELY, WITH ONLY THE STORY'S TITLE LEFT IN
TO INDICATE THE SUBJECT.

2. PRESS COVERAGE NOTED THAT THE SCENE OF THE INCIDENT
SHOWED NO SKID-MARKS FROM BRAKING, AND QUOTED SEVERAL
ASSOCIATES TO THE EFFECT THAT SHE HAD RECENTLY SHOWED SIGNS
OF, OR EVEN SPOKEN OF, "ANGUISH" AND FATIGUE. SUBSEQUENTLY,
HOWEVER, OTHERS ASSERTED SHE WAS CHEERFUL, ENERGETIC, AND
INVOLVED. WHILE THE OFFICIAL REPORT ON THE INCIDENT WAS
EXPECTED TO TAKE ABOUT A MONTH TO BE ISSUED (COPY FORWARDED
WITH REF B TO ARA/BR), SOME NEWSPAPERS SURMISED THAT SHE
MIGHT HAVE DOZED OFF, SWERVED TO AVOID A PEDESTRIAN,
BEEN CUT OFF BY ANOTHER VEHICLE, OR OTHERWISE BEEN DISTRACTED
UPON EMERGING FROM THE TUNNEL. LATER, ON THE OTHER HAND, ASSER-
TIONS BECAME COMMON TO THE EFFECT THAT SHE HAD IN FACT
BEEN FORCED OFF THE ROAD BY AGENTS OF SECURITY FORCES
FED UP WITH OR FEARFUL OF HER INCREASINGLY WELL-KNOWN
EFFORTS TO HAVE HER SON'S SUSPECTED MURDERERS BROUGHT TO
JUSTICE.

3. COMMENT: NO ONE, AT LEAST NO FOREIGNER, FAMILIAR WITH
RIO'S TRAFFIC AND ESPECIALLY ITS TUNNELS WOULD REQUIRE
ANY SINISTER EXPLANATION FOR HER DEATH. BY THE SAME TOKEN,
THE ASSERTIONS OF FOUL PLAY WERE TO BE EXPECTED, AND HAVE
NOT (TO OUR KNOWLEDGE) INCLUDED REFERENCE TO ANY EVIDENCE.
IT IS NEVERTHELESS INTERESTING, AND NOT INSIGNIFICANT, BOTH
THAT SUCH ASSERTIONS HAVE ARisen, AND THAT WHILE THEY SEEM
EXTREME, THEY CANNOT BE DISMISSED OUT OF HAND. END COMMENT.

4. IN AN ACTION WHICH RECEIVED CONSIDERABLE PRESS
COVERAGE, THE FAMILY OF VLADIMIR HERZOG (THE TV JOURNALIST
WHO DIED IN OCTOBER, 1975, WHILE IN THE CUSTODY OF II ARMY
IN SAO PAULO) (REFS C AND D) BROUGHT SUIT AGAINST THE
FEDERAL GOVERNMENT "FOR THE ARBITRARY ARREST OF THE
JOURNALIST, FOR THE TORTURE TO WHICH HE WAS SUBMITTED,
AND FOR HIS DEATH, AND THE CONSEQUENT OBLIGATION TO
INDEMNIFY (THE FAMILY) FOR THE MORAL AND MATERIAL DAMAGES
WHICH THOSE FACTS CAUSED (THE FAMILY)." THE SUIT, MADE
PUBLIC BY THE SAO PAULO PROFESSIONAL JOURNALISTS' UNION,
BASED ITSELF ON VARIOUS LEGAL AND CONSTITUTIONAL PROVISIONS
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REGARDING GOVERNMENT RESPONSIBILITY FOR DAMAGES CAUSED BY
ITS AGENTS AND RESTRICTIONS REGARDING ARRESTS. THE
PETITION ALSO NOTES THAT HERZOG HAD DELIVERED HIMSELF INTO
CUSTODY VOLUNTARILY, HAD RIPPED UP HIS CONFESSION (THUS
REPUDIATING IT), AND HAD ALLEGEDLY HANGED HIMSELF WITH THE
BELT OF A PRISON UNIFORM WHICH ACCORDING TO ANOTHER
PRISONER'S TESTIMONY DID NOT HAVE A BELT.

5. COMMENT: THE MOTIVATION OF THE FAMILY, WHICH REPORTEDLY SEEKS NO MONETARY INDEMNIFICATION BUT MERELY A "DECLARATION OF RESPONSIBILITY," MAY INCLUDE THE HOPE OF ACHIEVING MORAL SATISFACTION BY BRINGING THE GOVERNMENT TO SUCH A DECLARATION, OR ANY SUCH OUTCOME SEEMS LIKELY TO TAKE A LONG TIME IF IT IS TO COME AT ALL. ON THE OTHER HAND THE FAMILY MAY SHARE WHAT WE TAKE TO BE THE INTEREST REVEALED BY THE JOURNALISTS' UNION'S ACTION IN PUBLICIZING THE SUIT, AND BY THE FACT THAT THE LAWYERS HANDLING THE ACTION INCLUDE FIGURES PROMINENT IN POLITICAL-PRISONER/HUMAN-RIGHTS CASES, MOST NOTABLY HELENO FRAGOSO. THAT IS, AN EFFORT IS BEING MADE TO KEEP UP THE PRESSURE AFFORDED BY HERZOG'S DEATH, STILL ONE OF THE MOST EFFECTIVE FULCRUMS THE CAUSE OF HUMAN RIGHTS HAS HERE. END COMMENT.

6. A MILITARY COURT IN SAO PAULO HAS FOUND IN FAVOR OF THE OPINION SUBMITTED BY THE MILITARY PROSECUTOR THAT MANUEL FIEL FILHO, THE SECOND OF THE TWO POLITICAL PRISONERS TO DIE IN II ARMY CUSTODY (REF E), COMMITTED SUICIDE. THE OPINION, PORTIONS OF WHICH WERE CARRIED IN THE PRESS MAY 5, STRESSED THE DILIGENCE OF THE INVESTIGATION ASSERTED THE ABSENCE OF EVIDENCE POINTING TO ANY CONCLUSION EXCEPT SUICIDE, AND SPECIFIED THAT "PRUDENCE DEMANDS" THAT THINGS BE SEEN SIMPLY AS THEY ARE, "IN SUICIDE A SIMPLE SUICIDE..WITHOUT DOUBT, A LAMENTABLE FACT WHICH SHOCKS PUBLIC OPINION AND EVEN THE MOST INSENSITIVE SOULS."

COMMENT: THE COURT'S DECISION, A FOREGONE CONCLUSION, WILL OF COURSE CHANGE NO ONE'S MIND. END COMMENT.
JOHNSON

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